

(2023) 08 MP CK 0104

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 10474 Of 2023

Gopalsingh And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 17-08-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)

Citation : (2023) 08 MP CK 0104

Hon'ble Judges : Prakash Chandra Gupta, J

Bench : Single Bench

Advocate : Tanuj Tiwari, Aarti Kumawat

Final Decision : Disposed Of

Judgement

Prakash Chandra Gupta, J

Heard on I.A.No.12636/2023, which is first application filed under Section 389(1) of Cr.P.C. for suspension of jail sentence and grant of bail moved on behalf of appellants.

Learned trial Court has convicted the appellants under Section 325 r/w 34 of IPC and sentenced to undergo three years' RI with fine of Rs.2,000/- each, with default stipulation, vide judgement of conviction and order of sentence dated 27.7.2023 passed by the Special Judge (SC, ST (Prevention of Atrocities) Act), Shajapur, District Shajapur in S.C.No.129/2017.

Learned counsel for the appellants submits that the appellants have not committed the offence and have falsely been implicated in the case. During trial the appellants were on bail and they have not misused the liberty granted to them. The trial Court has already suspended the sentence till 26.8.2023. Final hearing of this appeal is not possible in near future. Therefore, it is prayed that remaining jail sentence may be suspended and present appellants may be released on bail.

Per contra, learned counsel for the respondent/State has opposed the prayer and prayed for rejection of the application.

I have heard learned counsel for the parties and perused the record.

Considering the facts and circumstances of the case coupled with the fact that final hearing of this appeal is not possible in near future, without expressing any opinion on merits of the case, the application I.A. No.12636/2023, is allowed and the jail sentence of the appellants shall remain suspended.

It is directed that subject to depositing the fine amount, if already not deposited, appellants shall be released on bail, on each of them furnishing personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) alongwith separate solvent sureties in the like amount to the satisfaction of Trial Court, for their appearance before the Registry of this Court firstly on 30.10.2023, and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

Accordingly, I.A.No.12636/2023 stands closed and disposed of.

List for admission after receipt of record.

Certified copy, as per Rules.